

REMARKS

In the Office Action, the allowance of claims 1-11, 13-20, 22-35 and the indicated allowability of claims 39, 42, 43 and 51 were withdrawn. Claims 47-51 were allowed; and claims 1-11, 13-20, 22-35, 39, 40 and 42-45 were rejected. Applicant thanks the Examiner for allowing claims 47-51.

By this Reply and Amendment, claims 1 and 3-5 have been amended; claim 2 has been canceled without prejudice; and claims 1, 3-11, 13-20, 22-35, 39-40, 42-45 and 47-51 remain pending in the present application. The claim amendments are fully supported throughout the description and figures of the specification. No new matter has been added.

In the Office Action, claims 16, 17, 19, 22, 23, 25-28 and 30-32 were rejected under 35 USC 102(e) as anticipated by the Merrill et al. reference, US Publication No.: 2004/0146415. This rejection is respectfully, but strongly traversed.

The Merrill et al. reference fails to disclose numerous elements, e.g. lateral sand escape holes, of the subject claims. With respect to independent claim 16, the Merrill et al. reference is relied on as disclosing "a protector section head (40) having a transverse sand escape hole (52) disposed above a protector section bearing (proximate reference 86)". (See Office Action, page 3, section 3). However, Applicant respectfully submits this assertion is incorrect.

The Merrill et al. reference describes a seal section 10 that can be located between a separate pump section 12 and a separate motor section 14. (See page 2, paragraph 0023). The seal section 10 comprises a lower head 40 having a fluid bypass conduit 50 and an internal fluid passageway 52. Fluid passageway 52 does not provide any escape path for sand but rather "communicates with an annular space that surrounds lower shaft 26 and also with lower bellows chamber 42." (See page 2, paragraph 0024). During filling, fluid passageway 52 is used to allow dielectric fluid to migrate through lower head 40 and out through a check valve 54 into the lower bellows chamber 42. (See page 3, paragraph 0034). In other words, fluid passageway 52 provides no function as a lateral sand escape hole and is not capable of doing so. Accordingly,

the Merrill et al. reference fails to disclose elements of independent claim 16, and the rejection should be withdrawn.

By way of example, the Merrill et al. reference fails to disclose or suggest "forming a protector section head with lateral sand escape holes disposed above a protector section bearing" as recited in independent claim 16. However, the cited reference also fails to disclose or suggest connecting a motor section shaft to a protector section shaft "to form an axially affixed connection" as further recited in claim 16. The Merrill et al. reference simply discloses conventional motor and motor protector connections without providing any teaching related to axially affixing shaft sections. The reference also fails to disclose or suggest "prefilling the combined motor section and protector section with a lubricating fluid" as recited in claim 16.

With respect to independent claim 26, the Merrill et al. reference fails to disclose claim elements, e.g. providing the motive unit with a plurality of oil communication holes deployed at an angle with respect to the longitudinal axis. Regarding claim 26, the Merrill et al. reference is said to teach a plurality of oil communication holes "deployed at an angle of zero with respect to the longitudinal axis such that the angle of the plurality of oil communication holes corresponds with an angle at which the motive unit is positioned relative to vertical during filling of the motive unit with oil". (See Office Action, page 3, lines 19-22). Applicant is not sure what is meant by an "angle of zero" and respectfully requests a more detailed explanation as to how the Merrill et al. reference discloses or teaches placement of oil communication holes at an angle with respect to the longitudinal axis of a motive unit. If the Examiner is referring to a zero degrees difference between the axis of the device and the axis of passages, then no angle exists. In fact, this position would demonstrate the difference between the disclosure of the cited reference and the elements of claim 26, effectively making the case for patentability of the subject claim.

Accordingly, claim 26 is believed to contain numerous elements that are not disclosed or suggested by the cited reference. For example, the Merrill et al. reference fails to disclose or suggest "delivering the motive unit to an oil production well as a single unit". Additionally, the cited reference fails to disclose or suggest "providing the motive unit with a plurality of oil

communication holes deployed at an angle with respect to the longitudinal axis such that the angle of the plurality of oil communication holes corresponds with an angle at which the motive unit is positioned relative to vertical during filling of the motive unit with oil" as further recited in independent claim 26.

Claims 17, 19, 22, 23, 25, 27, 28 and 30-32 ultimately depend from one of the independent claims discussed above. Accordingly, these dependent claims are patentable over the cited reference for the reasons provided above with respect to independent claims 16 and 26 as well as for the additional unique subject matter recited in these dependent claims.

In the Office Action, claims 39 and 40 were rejected under 35 USC 102(b) as anticipated by the Shilman reference, RU 2162272 C1. This rejection is respectfully, but strongly traversed.

Russian patent No. 2162272 describes a combined electric motor 1 having a head 2 with a cable entry. The cable entry has a plug 5 whose body 6 is fastened to the head 2 at a plug receptacle 8. Within receptacle 8, a relief valve is constructed via a separate spring-loaded stem 16 or via a plug 17 placed in an opening 18. (See description and Figures 2,3).

However, neither of these arrangements discloses or suggests using the entire "terminal block" as a movable member between "a sealed position and an open position" that enables fluid communication, as recited in independent claim 39. The movable terminal block is unique relative to the teachings of the cited document, because it greatly simplifies construction of the cable connection as opposed to using separate check valves and corresponding flow channels as described in Russian patent No. 2162272. Furthermore, Applicant questions the assertion in the Office Action that the Russian reference discloses the use of dielectric gaskets. Regardless, the cited reference fails to disclose or suggest elements of independent claim 39, and the rejection should be withdrawn.

Claim 40 directly depends from independent claim 39. Accordingly, claim 40 is patentable over the cited reference for the reasons provided above with respect to independent claim 39 as well as for the additional subject matter recited therein.

In the Office Action, claims 1-5, 7-10, 13, 15, 23 and 33 were rejected under 35 USC 103(a) as unpatentable over the Merrill et al. reference in view of the McAnally reference, US Patent No.: 5,992,517. This rejection is respectfully traversed, however independent claim 1 has been amended to clarify aspects of the claim language.

As discussed above, the Merrill et al. reference describes the conventional connection of submersible pumping components, such as submersible pumps, submersible motors, and seal sections. The reference provides no disclosure or teaching regarding axially affixed shaft sections to create a motive unit as a single device with a motor section and a motor protector section. By way of specific example, the Merrill et al. reference provides no disclosure or teaching regarding a motive unit in which the motor section "comprises a motor section shaft and the motor protector section comprises a motor protection section shaft, the motor section shaft and the motor protector section shaft being axially affixed to each other" as recited in amended, independent claim 1. The addition of the McAnally reference provides no further disclosure or teaching that would obviate the deficiencies of disclosure with respect to the Merrill et al. reference. Accordingly, amended, independent claim 1 is believed patentable over the cited references.

Remaining claims 3-5, 7-10, 13 and 15 ultimately depend from amended, independent claim 1; claim 23 depends from independent claim 16; and claim 33 depends from independent claim 26. Accordingly, each of these dependent claims is patentable over the cited references for the reasons provided above with respect to their corresponding independent claims and for the additional, unique subject matter recited in these dependent claims. The McAnally reference provides no additional disclosure that would obviate the deficiencies of the Merrill et al. reference.

In the Office Action, claim 6 was rejected under 35 USC 103(a) as unpatentable over the Merrill et al. reference in view of the McAnally reference and a further in view of the Shilman reference, RU 2162272 C1. This rejection is respectfully traversed, however claim 6 depends from amended, independent claim 1 and is patentable over the cited references for the reasons

provided above with respect to independent claim 1 as well as for the additional subject matter recited in dependent claim 6. The Shilman reference provides no additional disclosure that would obviate the deficiencies of disclosure in the Merrill et al. and McAnally references, as discussed above.

In the Office Action, claim 11 was rejected under 35 USC 103(a) as unpatentable over the Merrill et al. reference in view of the McAnally reference and a further in view of the Jones reference, US Patent No.: 6,889,420. This rejection is respectfully traversed, however claim 11 ultimately depends from amended, independent claim 1 and is patentable over the cited references for the reasons provided above with respect to independent claim 1 as well as for the additional subject matter recited in dependent claim 11. The Jones reference provides no additional disclosure that would obviate the deficiencies of disclosure in the Merrill et al. and McAnally references, as discussed above.

In the Office Action, claim 14 was rejected under 35 USC 103(a) as unpatentable over the Merrill et al. reference in view of the McAnally reference and a further in view of the Howell et al. reference, US Patent No.: 6,602,059. This rejection is respectfully traversed, however claim 14 depends from amended, independent claim 1 and is patentable over the cited references for the reasons provided above with respect to independent claim 1 as well as for the additional subject matter recited in dependent claim 14. The Howell et al. reference provides no additional disclosure that would obviate the deficiencies of disclosure in the Merrill et al. and McAnally references, as discussed above.

In the Office Action, claims 18, 29, 34, 42, 44 and 45 were rejected under 35 USC 103(a) as unpatentable over the Merrill et al. reference. This rejection is respectfully traversed. Claim 18 ultimately depends from independent claim 16, and claims 29, 34 ultimately depend from independent claim 26. Accordingly, these claims are patentable over the cited reference for the reasons provided above with respect to their corresponding independent claims as well as for the additional, unique subject matter recited in these dependent claims. Furthermore, as admitted in the Office Action, the Merrill et al. reference fails to disclose various elements found within these claims. Only conclusory statements are made that the recited elements are obvious.

However, Applicant strongly disagrees with these assertions and submits that the lack of cited art is indicative of the unique and patentable features found within these dependent claims.

Applicant respectfully requests the Examiner provide additional prior art to establish a prima facie case of obviousness if this rejection is to be maintained.

Claim 42 is independent and recites a motive unit having a journal bearing with "a replaceable sleeve" that is "keyed to the drive shaft". In the Office Action, an effort is made to reject this claim by relying on the Merrill et al. reference as disclosing "a journal bearing (inner and outer sleeves proximate reference 86) disposed about a drive shaft (26), wherein the journal bearing has a replaceable sleeve which appears to be press fit onto the shaft". (See Office Action, page 10). However, the Merrill et al. reference simply describes a sleeve 86 located in a sleeve receptacle 46 (see page 2, paragraph 0027) without suggesting a journal bearing with a replaceable sleeve. In the Office Action, it is further stated that it would have been obvious to one of ordinary skill in the art to provide a replaceable sleeve with a keyed connection to the drive shaft, but no support is provided for this assertion. Applicant respectfully submits the Examiner has failed to establish a prima facie case of obviousness because the Merrill et al. reference does not disclose or suggest use of a replaceable sleeve and because no document suggests joining this missing element to a shaft via a keyed connection. Accordingly, the rejection of independent claim 42 should be withdrawn.

Claims 44 and 45 depend from independent claim 42. Accordingly, these dependent claims are patentable over the cited art for the reasons provided above with respect to independent claim 42 as well as for the additional, unique subject matter recited in these dependent claims.

In the Office Action, claim 20 was rejected under 35 USC 103(a) as unpatentable over the Merrill et al. reference in view of the Shilman reference (RU 2162272 C1). This rejection is respectfully traversed, however claim 20 depends from independent claim 16 and is patentable over the cited references for the reasons provided above with respect to independent claim 16 as well as for the additional subject matter recited in dependent claim 20. The Russian reference

provides no additional disclosure that would obviate the deficiencies of disclosure in the Merrill et al. reference, as discussed above.

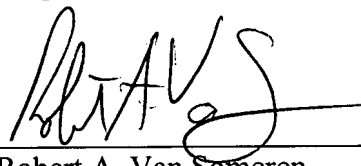
In the Office Action, claims 24 and 35 were rejected under 35 USC 103(a) as unpatentable over the Merrill et al. reference in view of the Howell et al. reference. This rejection is respectfully traversed. However, claims 24 and 35 depend from independent claim 16 and 26, respectively, and are patentable over the cited references for the reasons provided above with respect to independent claim 16 and 26 as well as for the additional subject matter recited in these dependent claims. The Howell et al. reference provides no additional disclosure that would obviate the deficiencies of disclosure in the Merrill et al. reference, as discussed above.

In the Office Action, claim 43 was rejected under 35 USC 103(a) as unpatentable over the Merrill et al. reference in view of the Jones reference. This rejection is respectfully traversed.

In this rejection, the Merrill et al. reference is again relied on as disclosing "a journal bearing (inner and outer sleeves proximate reference 86) disposed about a drive shaft (26), wherein the journal bearing has a replaceable sleeve" press fit onto the drive shaft. (See Office Action, page 12). As discussed above, the Merrill et al. reference simply describes a sleeve 86 located in a sleeve receptacle 46 (see page 2, paragraph 0027) without suggesting a journal bearing with a replaceable sleeve. Furthermore, the Jones reference states that "tolerance ring 26 may be inserted between the rear bearing 33 and a side wall of the rear motor housing 31 to make the seating of the bearing 33 less critical". (See column 3, lines 13-15). Neither of these references discloses or suggests a replaceable sleeve that is "press fit" onto the drive shaft with a tolerance ring as recited in independent claim 43. Accordingly, the rejection of independent claim 43 should be withdrawn.

In view of the foregoing remarks, the pending claims should be in condition for allowance. However, if the Examiner believes certain amendments are necessary to clarify the present claims or if the Examiner wishes to resolve other issues by way of a telephone conference, the Examiner is kindly invited to contact the undersigned attorney at the telephone number indicated below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. A. Van Someren', written over a horizontal line.

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